

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	DATE FILED: _____
v.	:	CRIMINAL NO. _____
CLARITZA E. BENITEZ	:	VIOLATIONS:
GERARDO SANTIAGO-OQUENDO,	:	21 U.S.C. § 841(a)(1), (b)(1)(B)
a/k/a "Memo"	:	(possession with intent to distribute 5
	:	grams or more of cocaine base ("crack") -
	:	1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(C)
	:	(possession with intent to distribute
	:	cocaine - 1 count)
	:	18 U.S.C. § 924(c)(1) (possession of
	:	firearm in furtherance of drug trafficking
	:	crime - 1 count)
	:	18 U.S.C. § 922(g)(1) (possession of
	:	firearm by convicted felon - 1 count)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about April 3, 2009, in Bethlehem, Pennsylvania, in the Eastern District of Pennsylvania, defendants

CLARITZA E. BENITEZ and
GERARDO SANTIAGO-OQUENDO,
a/k/a "Memo,"

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 5 grams or more, that is, approximately 6.1 grams, of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and
Title 18, United States Code, Section 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 3, 2009, in Bethlehem, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**CLARITZA E. BENITEZ and
GERARDO SANTIAGO-OQUENDO,
a/k/a “Memo,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, approximately 2.3 grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 3, 2009, in Bethlehem, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**CLARITZA E. BENITEZ and
GERARDO SANTIAGO-OQUENDO,
a/k/a “Memo,”**

knowingly possessed, and aided and abetted the possession of, a firearm, that is:

- (i) a H & R 922 .22 caliber revolver, serial number S21594, loaded with seven live rounds of ammunition;
- (ii) a Sears short-barreled 12 gauge shotgun, serial number 413760, with the barrel sawed-off to a length of less than 18 inches; and
- (iii) a Davis model P380 .380 caliber handgun, serial number AP372682,

in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, possession with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 3, 2009, in Bethlehem, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**CLARITZA E. BENITEZ and
GERARDO SANTIAGO-OQUENDO,
a/k/a “Memo,”**

each having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is:

- (i) a H & R 922 .22 caliber revolver, serial number S21594, loaded with seven live rounds of ammunition;
- (ii) a Sears short-barreled 12 gauge shotgun, serial number 413760, with the barrel sawed-off to a length of less than 18 inches; and
- (iii) a Davis model P380 .380 caliber handgun, serial number AP372682.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 922(g)(1) and 924(c)(1), set forth in this indictment, defendants

**CLARITZA E. BENITEZ and
GERARDO SANTIAGO-OQUENDO,
a/k/a “Memo,”**

shall forfeit to the United States of America all firearms and ammunition involved in the commission of such offenses, including, but not limited to:

- (1) a H & R 922 .22 caliber revolver, serial number S21594;
- (2) a Sears short-barreled 12 gauge shotgun, serial number 413760, with the barrel sawed-off to a length less than 18 inches;
- (3) a Davis model P380 .380 caliber handgun, serial number AP372682;
- (4) all rounds of live .22 caliber ammunition;
- (5) all rounds of live .380 caliber ammunition;
- (6) all rounds of live 9 mm. ammunition; and
- (7) all rounds of live 38 special ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,
United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

MICHAEL L. LEVY
United States Attorney